IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1288 OF 2006.

Mr. Siraj Abdul Hamid Birya ..Petitioner
V/s
Riyaz Abdul Kadar Machiwala & Ors. ..Respondents.

Mr. Abdul Kadar Millwala h/f Girish Kulkarni, Advocate for the Petitoner

Mr. Ajit M. Jakhad for respondent Nos. 1 to 4.

Mrs.M.M. Deshmukh, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 22ND MARCH, 2007.

P.C.

. Heard Mr. Millwala, learned Counsel for the Petitioner, Mr.Ajit Jakhad for respondent Nos. 1 to 4 and Mrs. Deshmukh, learned APP for the State. In view of the family dispute between the present petitioner and his wife and in-laws, the present petitioner had lodged a report, on the basis of which Crime No. 144/2005 was registered by Agripada Police Station against respondent Nos. 1 to 4 for the offence punishable under Section 387, 324, 506(2), 143, 144, 145, 147, 149 and 149 r/w section 114 and 34 of Indian Penal Code. The

charge-sheet is not yet filed by the police. The petitioner seeks to quash the said proceeding on the ground that amicable settlement has taken place and divorce has taken place between himself and his wife and therefore, he does not want to prosecute the criminal case against respondent Nos. 1 to 4. The learned Counsel for respondent Nos 1 to 4, as well as Mrs. Deshmukh, learned A.P.P. have no objection for the same.

2. In view of the settlement, the petition is allowed in terms of prayer clause (a).

(J.H. BHATIA, J.)